

State of South Dakota

NINETY-FOURTH SESSION LEGISLATIVE ASSEMBLY, 2019

596B0063

HOUSE BILL NO. _____

Introduced by: _____

1 FOR AN ACT ENTITLED, An Act to establish the Extraordinary Cost Oversight Board and
2 to repeal the creation of the board by administrative rule making.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That chapter 13-37 be amended by adding a NEW SECTION to read:

5 There is hereby established an Extraordinary Cost Oversight Board within the Department
6 of Education. The board shall review all school district requests for extraordinary cost funds as
7 provided in § 13-37-40. The board shall meet at least once a year and recommend to the
8 secretary of education those school districts that should be approved for extraordinary cost fund
9 expenditures and those school districts that should not be approved for extraordinary cost fund
10 expenditures. The secretary has the final authority to approve or deny extraordinary cost fund
11 expenditures.

12 Section 2. That chapter 13-37 be amended by adding a NEW SECTION to read:

13 The oversight board established in section 1 of this Act shall consist of seven members. The
14 membership shall include one member of the Legislature appointed by the Executive Board of
15 the Legislative Research Council, and six members appointed by the secretary of education. The
16 members appointed by the secretary shall include representatives from each of the following:



- 1 (1) The Department of Education;
- 2 (2) A school district with a fall enrollment of 600 or more;
- 3 (3) A school district with a fall enrollment of more than 200, but less than 600; and
- 4 (4) A school district with a fall enrollment of 200 or less.

5 The secretary shall use a staggered appointment schedule when appointing members, and
6 no member may serve on the board for more than five years. The secretary shall also appoint
7 alternate board members to serve in place of any board member representing a school district
8 who may have a conflict of interest. An alternate shall serve the same term as the equivalent
9 board appointee.

10 Section 3. That § 13-37-46 be amended to read:

11 13-37-46. The secretary of the Department of Education shall promulgate and review rules
12 which further define special education processes regarding student identification; and the
13 placement committee process, ~~and create an extraordinary cost oversight board.~~ Any appeal of
14 a local district's determination relating to special education or special education and related
15 services shall be referred to the secretary of the Department of Education. The hearing shall be
16 conducted by the secretary in accordance with the contested case provisions of chapter 1-26. The
17 secretary of the Department of Education shall report to the Legislature in January 1996, on the
18 progress of the department in exercising the above rule-making authority with a final set of rules
19 delivered to the Governor and Legislature by November 1, 1995. In addition, the secretary shall
20 prepare a model for the statewide implementation of §§ 13-37-35.1 to 13-37-46, inclusive,
21 including a report of cost allocation figures of §§ 13-37-35.1 to 13-37-46, inclusive, to be
22 delivered to the Governor and Legislature by November 1, 1995.